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10/709,142

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Klaus E. Schauser

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Goodwin Procter LLP  
Exchange Place  
Boston, MA 02109

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/709,142 | <b>Applicant(s)</b><br>SCHAUSER ET AL. |  |
|                              | <b>Examiner</b><br>SONIA GAY         | <b>Art Unit</b><br>4183                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 1,3,4,6,10,11,18,19 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/09/2007, 06/26/2006, 12/13/2004</u> .                      | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

This office action is in response to application 10/709,142 filed on April 15, 2004 in which claims 1 -29 are presented for examination.

#### ***Claim Objections***

1. Claims 1 and 29 are objected to because of the following informalities: in each claim, the preamble states “in a system having a source node a plurality of consumer nodes, a bandwidth – adaptive method”. The phrase “in a system having a source node a plurality of consumer nodes” should be removed from each claim to render each claim definite. Appropriate correction is required.

2. Claims 3-4, 6, 10-11, 18 - 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 3 which depends on claim 2 recites this limitation “repeating steps (a) and (b) until a request is received from a consumer node”. However, claim 2 does not recite the limitations of “step (a) or (b)”.

Claim 4 which depends on claim 3 recites the limitation “wherein step (c) comprises the step of: ”. However, claim 3 does not recite the limitation “step (c)”.

Claim 6 which depends on claim 5 recites the limitation “wherein step (d) comprises transmitting to a consumer node each of the plurality of packets”. However, claim 5 does not recite the limitation “step (d)”.

Claim 10 which depends on claim 9 recites the limitation “wherein step (c)”. However, claim 9 does not recite the limitation “step (c)”. Also, claim 10 recites the limitation “selecting at least one of the received data packets responsive to the received metadata information” although claim 9 does not reference “a received data packet”.

Claim 11 which depends on claim 10 recites the limitation “wherein step (e)”. However, claim 10 does not recite the limitation “step (e)”.

Claim 12 which depends on claim 1 recites the limitation “information” whereas claim 1 recites the limitation “metadata information”. Therefore, claim 12 expands rather than further limits the scope of claim 1.

Claim 13 which depends on claim 12 recites the limitation “metadata information”. However, claim 12 does not recite the limitation “metadata information”.

Claim 18 which depends on claim 17 recites the limitation “wherein the source node transmits a plurality of packets”. However, claim 17 does not recite the limitation “source node”.

Claim 19 which depends on claim 18 recites this limitation “wherein the communication service selects a first metadata packet.” However, claim 18 does not recite the limitation “communication service”.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible

harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 – 9 and 12-26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9, 12 - 26 of copending Application No. 10/709141. Although the conflicting claims are not identical, they are not patentably distinct from each other.

For claim 1, 10/709141 (claim 1) teaches that in a system having a source node and a plurality of consumer nodes, a bandwidth- adaptive method for synchronizing a consumer node representation of dynamic data set and the source node representation of the dynamic data set of

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a dynamic data set ( display data as dynamic data set: [0001]), the method comprising the steps of:

(a) receiving from a source node metadata information identifying a plurality of data packets (at least one) that represent a state of at least a portion of a changing data set at a point in time (current state of local display data, display data as changing data [0001]);

(b) receiving from the source node at least one of the identified data packets;

(c) selecting at least one of the received data packets responsive to the received metadata information;

(d) transmitting to a consumer node the metadata information; and

(e) transmitting to the consumer node the selected at least one data packet.

For claim 2, 10/709141 ( claim 2) teaches the method of claim 1 further comprising the step of, before step (c) (prior to selecting the at least one of the received data packets responsive to the received metadata information), receiving a request from a consumer node for the current state of the changing data set.

For claim 3, 10/709141 ( claim 3) teaches the method of claim 2 further comprising the step of repeating steps (a) (10/709141: c) and (b) (10/709141 : d) ( (a) through (d), inclusive of (c) and (d) ) until a request is received from a consumer node for the current state of the changing data set.

For claim 4, 10/709141 ( claim 4) teaches the method of claim 3 wherein step (c) (selecting the at least one of the received data packets responsive to the received metadata information) comprises the steps of:

(c-a) (e-a) selecting one of the received metadata information; and

(c-b) (e- b) selecting at least one of the received data packets identified by the selected metadata information.

For claim 5, 10/709141 ( claim 5) teaches the method of claim 1 wherein step (c)( selecting the at least one of the received data packets responsive to the received metadata information) comprises selecting a plurality of the received data packets responsive to the received metadata information.

For claim 6, 10/709141 (claim 6 ) teaches the method of claim 5 wherein step (d) ( transmitting to the consumer node the selected at least one data packet) comprises transmitting to a consumer node each of the selected plurality of data packets.

For claim 7, 10/709141 (claim 7 ) teaches the method of claim 1 wherein step (b) ( receiving, from the source node, the at least one of the identified data packets) comprises receiving from the source node at least one of the identified data packets in encrypted form.

For claim 8, 10/709141 ( claim 8) teaches the method of claim 1 further comprising the step of storing the received metadata information in a memory device.

For claim 9, 10/709141 ( claim 9) teaches the method of claim 1 further comprising storing the received at least one data packet in a memory device .



For claim 12, 10/709141 ( claim 12 ) teaches the method of claim 1 further comprising the step of storing, in a memory element, information identifying the at least one data packet transmitted to the consumer node.

For claim 13, 10/709141 ( claim 13 ) teaches the method of method of claim 12 further comprising the step of selecting at least one of the received data packets responsive to the received metadata information and the stored information identifying the at least one data packet transmitted to the consumer node.

For claim 14, 10/709141 teaches a bandwidth- adaptive system synchronizing consumer node representations and a source node representation of changing data set (display data as changing data set : [0001]), the system comprising:

a source node transmitting at least one metadata packet identifying a plurality of data packets (at least one data packet) that represent the current state of a changing data set (change in local display data, display data as changing data set: [0001]) and transmitting at least one of the identified data packets; and

a communications service in communication with the source node, the communications service selecting (configured to select) one of the at least one metadata packet and the at least one data packet for transmission to a first consumer node.

For claim 15, 10/709141 ( claim 15 ) teaches the system of claim 14 further comprising a first consumer node, wherein the first consumer node request the current state of the changing data set [ current state of the source node local display] from the communications service.

For claim 16, 10/709141 (claim 16) teaches the system of claim 15 wherein the communication service selects (configured to select) one of the at least one metadata packet and the at least one data packet in response to the request made by the first consumer node.

For claim 17, 10/709141 (claim 17) teaches the system of claim 15 further comprising a second consumer node, wherein the second consumer node requests (configured to request) the current state of the changing data set from the communications service.

For claim 18, 10/709141 (claim 18) teaches the system of claim 17 wherein the source node transmits (further configured to transmit) a plurality of metadata packets, each of the plurality of metadata packets representing one state of the changing data set (source node local display data, display data as changing data set [0001]).

For claim 19, 10/709141 (claim 19) teaches the system of claim 18 wherein the communication service selects (further configured to select) a first metadata packet to transmit to the first consumer node and a second metadata packet to transmit to the second consumer node.

For claim 20, 10/709141 (claim 20) teaches the system of claim 14 wherein the communications service further comprises a memory element.

For claim 21, 10/709141 (claim 21) teaches the system of claim 20 wherein the memory element is a persistent storage device.

For claim 22, 10/709141 (claim 22) teaches the system of claim 20 wherein the communications service stores (further configured to store) the received at least one metadata packet in the memory element.

For claim 23, 10/709141 (claim 23) teaches the system of claim 20 wherein the communications service stores (further configured to store) the received at least one data packet in the memory element.

For claim 24, 10/709141 (claim 24) teaches the system of claim 20 wherein the communications service stores (further configured to store) in the memory element information regarding transmission of packets to a consumer node.

For claim 25, 10/709141 (claim 25) teaches the system of claim 14 wherein the source node encrypts (further configured to encrypt) the at least one data packet before transmission to the consumer node

For claim 26, 10/709141 ( claim 26) teaches In a system having a source node and a plurality of consumer nodes, a bandwidth-adaptive method for synchronizing a consumer node representation of a dynamic data set and the source node representation of the dynamic data set (display data between a source node and plurality of consumer nodes, display data as dynamic data set : [0001]), the method comprising the steps of:

(a) receiving from a source node first metadata information identifying a first plurality (at least one) of data packets that represent a state of at least a portion of a changing data set at a first point in time;

(b) receiving from a source node second metadata information identifying a second plurality of data packets that represent a state of at least a portion of a changing data set at a second point in time;

(c) generating third metadata information representing the difference between the first set of identified data packets and the second set of identified data packets, the third metadata information identifying a third plurality of data packets;

(d) transmitting to a consumer node the third metadata information; and

(e) transmitting to the consumer node at least one of the identified data packets from the third plurality of data packets.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5- 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Salesky et al. ( US 2005/0080850).

As to claim 1, Salesky et al. discloses a bandwidth-adaptive method ([0141][0142]) for synchronizing a consumer node representation of a dynamic data set, the method comprising:

a) receiving from a source node (presenter client : **Fig. 1** 12) metadata information ( block-location ID stamp, time-stamp, origin stamp, other ID stamps, metadata in JPEG stream: [0057][0058]) identifying a plurality of data packets (blocks : [0074]) that represent at least a portion of a changing data set at a point in time ([0082])([0059]);

(b) receiving from the source node at least one of the identified data packets ( blocks: [0059]);

c) selecting at least one of the received data packets responsive to the received metadata information(time-stamp: [0058])([0142]);

(d) transmitting to a consumer node the metadata information ([0059][0142]); and

(e) transmitting to the consumer node the selected at least one data packet ([0059][0060][0142]).

As to claim 2, Salesky et al. teaches the claimed invention above and further teaches receiving a request from a consumer node for the current state of the changing data set ([0059]).

As to claim 5, Salesky et al. teaches the claimed invention above and further teaches wherein step (c) comprises selecting a plurality of the received data packets responsive to the received metadata information (**Fig. 7B** and [0142]);

As to claim 6, Salesky et al. teaches the claimed invention above and further teaches wherein step (d) comprises transmitting to a consumer node each of the selected plurality of data packets (**Fig. 7B** and **[0142]**).

As to claim 7, Salesky et al. teaches the claimed invention above and further teaches receiving from the source node at least one of the identified data packets in encrypted form (**[0011][0166]**).

As to claim 8, Salesky et al. teaches the claimed invention above and further teaches comprising the step of storing the received metadata information (**[0058]**) in a memory device (base image frame store : **[0133]**; delta block generator : **[0131]**) (**[0059]**);

As to claim 9, Salesky et al. teaches the claimed invention above and further teaches storing the received at least one data packet in a memory device (base image frame store : **[0133]**; delta block generator : **[0131]**) (**[0059][0131]**) .

As to claim 10, Salesky et al. teaches the claimed invention above and further teaches wherein step ( c ) comprises: (c – a) selecting at least one of the received data packets responsive to the received metadata information (**[0058][0142]**) ; and (c-b) selecting at least one of the stored data packets ( **[0131]** **[0132]**) responsive to the received metadata information (**[0142]**).

As to claim 11, Salesky et al. teaches the claimed invention above and further teaches wherein step ( e ) comprises: (e-a) transmitting to the consumer node the selected at least one of the received data packets ( **[0142]**) and (e-b) transmitting to the consumer node the selected at least one of the stored data packets (**[0142]**).

As to claim 12, Salesky et al. teaches the claimed invention above and further teaches storing, in a memory element, information identifying the at least one data packet transmitted to the consumer node ([0059][0142])

As to claim 13, Salesky et al. teaches the claimed invention above and further teaches selecting at least one of the received data packets responsive to the received metadata information ([0142]) and the stored information identifying the at least one data packet transmitted to the consumer node ([0142]) ([0059]); previous base block frames stored in base image frame store [0132][0133]).

As to claim 14, Salesky et al et al. teaches a bandwidth-adaptive system synchronizing consumer node representations and a source node representation of a changing data set, the system comprising:

a source node (presenter client : **Fig. 1 12** ) transmitting at least one metadata packet ( block-location ID stamp, time-stamp, origin stamp, other ID stamps : [0058] ; type of data [0170]; imbedded command messages : [0099]) identifying a plurality of data packets (blocks : [0059][0128]) that represent the current state of a changing data set ( [0059][0082]) and transmitting at least one of the identified data packets ([0056][0059][0082]) ; and

a communications service (conference server: **Fig. 1 14**) in communication with the source node ([0054]), the communications service selecting on of the at least one data packet for transmission to a first consumer node ([0142]).

As to claim 15, Salesky et al. discloses the claimed invention above and further discloses a first consumer node, wherein the first consumer node request the current state of the changing data set from the communications service (Salesky et al.: **Fig. 1** 18 (a) and [0059]).

As to claim 16, Salesky et al. discloses the claimed invention above and further discloses wherein the consumer service selects one of the at least one metadata packet and the at least one data packet in response to the request made by the first consumer node (Salesky et al.: [0059][0142]).

As to claim 17, Salesky et al. discloses the claimed invention above and further discloses wherein the second consumer node requests the current state of the changing data set from the communications service (Salesky et al: **Fig. 1** 18 (b) and [0059]).

As to claim 18, Salesky et al. discloses the claimed invention above and further discloses wherein the source node transmits a plurality of metadata packets, each of the plurality of metadata packets representing one state of the changing data set (Salesky et al.: [0059][0142]).

As to claim 19, Salesky et al. discloses the claimed invention above and further discloses wherein the communication service selects a first metadata packet to transmit to the first consumer node and a second metadata packet to transmit to the second consumer node (Salesky et al.: [0135][0136][0137]).

As to claim 20, Salesky et al. discloses the claimed invention above and further discloses wherein the communications service further comprises a memory element (base image frame store : [0132] [0133]).



As to claim 21, Salesky et al. discloses the claimed invention above and further discloses wherein the memory element is a persistent storage device ( base image frame store as local permanent storage : [0149]).

As to claim 22, Salesky et al. discloses the claimed invention above and further discloses wherein the communications service stores the received at least one metadata packet in the memory element ( [0059][0132][0133]).

As to claim 23, Salesky et al. discloses the claimed invention above and further discloses wherein the communications service stores the received at least one data packet in the memory element ([0059][0132][0133]).

As to claim 24, Salesky et al. discloses the claimed invention above and further discloses wherein the communications service stores in the memory element information regarding transmission of packets to a consumer node ([0137]).

As to claim 25, Salesky et al. discloses the claimed invention above and further discloses wherein the source node encrypts the at least one data packet before transmission to the consumer ([0011][0166]).

As to claim 26, Salesky et al. discloses a communications service synchronizing consumer node representations and source node representations of a changing data set, the service comprising:

a receiving subsystem ( input filters: [0121]) receiving at least one metadata packet identifying at least one data packet representing the current state of a changing data set and at least one data packet identified by the received at least one data packet ([0059][0121][0130]);

a synchronization engine selecting one of the at least one metadata packet and the at least one data packet ([0058][0129][0142]);

a transmission subsystem (output filers : [0121]) for transmitting the selected one of the at least one metadata packet and the at least one data packet ([0133][0137][0138][0139][0141]).

As to claim 27, Salesky et al. discloses the claimed invention above and further discloses comprising a memory element (base image frame store: [0132] [0133]).

As to claim 28, Salesky et al. discloses the claimed invention above and further discloses wherein the synchronization engine selects one of the at least one metadata packet and the at least one data packet in response to a request received from a consumer node ( [0059][0142]).

As to claim 29, Salesky et al. teaches in a system having a source node and a plurality of consumer nodes, a bandwidth-adaptive method for synchronizing a consumer node representation of a dynamic data set and the source node representation of the dynamic data set the method comprising the steps of:

(a) receiving from a source node first metadata information (metadata corresponding to changed blocks: [0059]) identifying a first plurality of data packets (previous base blocks : [0131]) represent a state of at least a portion of a changing data set at a first point in time ([0082]);

(b) receiving from a source node second metadata information (metadata corresponding to changed blocks: [0059]) identifying a second plurality of data packets (base data : [0128][0131]) that represent a state of at least a portion of a changing data set at a second point in time( [0082]).

(c) generating third metadata information (metadata corresponding to changed blocks: [0059]) representing the difference between the first set of identified data packets and the second set of identified data packets ( delta blocks: [0131]) , the third metadata information identifying a third plurality of data packets ( metadata corresponding to delta blocks : [0131]);

(d) transmitting to a consumer node the third metadata information ([0059][0136]); and

(e) transmitting to the consumer node at least one of the identified data packets from the third plurality of data packets ([0136][0142]).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. (US 2005/0080850) in view of Teplov et al. (US 7,222,305).

For claim 3, Salesky et al. discloses the claimed invention above, but fails to teach repeating steps (a) and (b) until a request is received from a consumer node for the current state of the changing data set.

However, Teplov et al. discloses a method for synchronizing a consumer node representation of dynamic data set and the source node representation of the dynamic data set (Abstract) further comprising receiving from a source node metadata information identifying a

plurality of data packets that represent a state of at least a portion of a changing data set at a point in time and receiving from a source node at last one of the identified packets until receiving a request from a consumer node (client object: column 7 lines 51 – 54) for the current state of the changing data set for the purpose of transmitting the new communication to the consumer node when the consumer node is ready to receive the new data ( column 8 lines 7 – 9; column 14 lines 13 – 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Salesky et al. with the invention disclosed in Teplov et al. to continuously receive metadata and data packets from the source node as disclosed above in Salesky et al. until the consumer node requests the state of changing data for the purpose of transmitting changing data to the consumer node when the consumer node is ready to receive the new data.

For claim 4, Salesky et al. in view of Teplov et al. discloses the claimed invention above and further discloses wherein step (c) comprises the steps of:

(c-a) selecting one of the received metadata information (time stamp: **[0058]**); and (c-b) selecting at least one of the received data packets identified by the selected metadata information **(0142)**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/  
Examiner, Art Unit 4183

March 28, 2008

/Len Tran/  
Supervisory Patent Examiner, Art Unit 4183